UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,900	04/10/2001	Michitaka Ozono	024201-00001	7201

7590	11/03/2004

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EXAMINER
SNAPP, SANDRA S

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claims 4, 7 and 9 are objected to because of the following informalities:

Claim 4 is objected to because the phrase "which have relationship" is grammatically confusing. Should the phrase read "which have *a* relationship?"

Claim 7 is objected to because the phrase "defined by rectangular coordinate system" is grammatically confusing. Should the phrase read, "defined by *a* rectangular coordinate system?"

Claim 9 is objected to because the phrase "calculates coordinate on a first axis" is grammatically incorrect. Should the phrase read, "calculates *a* coordinate on a first axis" or "calculates *coordinates* on a first axis?"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claim 2 is indefinite because the phrase "a plurality of axes" in line 4 of claim 2 is

confusing in view of the previous reference to "all other axes" in line 8 of claim 1. Are the axes

the same in both claims or different?

Claim 4 is indefinite because it is unclear what is meant by "a plurality of elements

concerning its corresponding references which have a relationship of a layers structure with one

another." Clarification is required.

Claim 5 is indefinite because the phrase "extracts sets" is confusing in view of the

previously identified "a set" extracted in claim 2. Are the sets in claim 5 that of claim 2 and if

so, then the set of claim 2 should be identified in the plural. If the sets are different, they should

be distinguished so as not to cause confusion.

Claim 6 is indefinite because the phrase "a plurality of sets of evaluations" is confusing

in view of the other "sets" in claim 5.

Claims 8 and 9 are indefinite because the phrase "said respective evaluation values" is

confusing. Which 'respective evaluation values' are being referred to.

Claim 10 is indefinite because the phrase "according to evaluation factor axis" is

confusing in view of the 'first evaluation factor' of claim 1, are these the same or different?

Also, the phrase "a first axis" is confusing with the "first evaluation factor axis" of claim 1, are

these the same or different. And, the phrase "as to said evaluation factor axis" in the last line of

claim 10 is unclear. Which factor axis, previously there were a first, other, second and plurality

axis identified. Clarification is required.

Claims 3 and 7 are indefinite because they depend from rejected base claim 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by the Summers

patent (US 6,236,955 B1).

The Summers reference discloses a business position display system for illustrating a

business environment position of a business unit to be analyzed, comprising:

A storage device for storing a plurality of sets of evaluation values for every business unit

to be analyzed, each set of the evaluation values contains the results of a business unit evaluation

in accordance with a plurality of evaluation factors, said set of evaluations values further having

different values on a first evaluation factor axis and having the same values on all other axes

(col. 2, lines 21-41 and col. 19, lines 3-13),

An extracting processor extracting at least one set of evaluation values related to said

business unit to be analyzed out of said storage device in accordance with a predetermined

extracting condition as to the attribute (col. 2, lines 21-41),

A coordinate calculating processor calculating coordinates in a multi-dimensional space

in accordance with the set of evaluation values extracted by the extracting processor (col. 2, lines

21-41 and col. 10, lines 2-5), and

A display processor showing an object at a position corresponding to the coordinates

calculated by said coordinate calculating processor in said multi-dimensional space on a screen

(col. 2, lines 21-41 and Figs. 4, 6 and 7) (Claims 1 and 12);

The storage device stores the evaluation values in a multi-dimensional database in which

a multi-dimensional space is logically defined with a plurality of axes respectively representing

reference, said set of evaluation values being position in the multi-dimensional space in

accordance with logical position of its attribute on each axis (col. 10, lines 2-5 and Figs. 4, 6 &

7), and

Said extracting processor extracts a set of evaluation values of which logical position of the attribute on each axis corresponds to the extracting condition (col. 11, line 19 through col. 12, line 67) (Claim 2);

A condition setting device for arbitrarily setting said extracting condition (col. 11, line 19 through col. 12, line 67) (Claim 3);

At least one of the axes logically defining the multi-dimensional space in said multi-dimensional database includes a plurality of elements concerning its corresponding references which have relationship of a relationship of a layered structure with one another (col. 11, line 19 through col. 12, line 67) (Claim 4);

The coordinate calculating processor calculates, when said extracting processor extracts sets of evaluation values related to a plurality of business units, a plurality of the coordinates for respective business units in accordance with each extracted set of evaluation values (col. 11, line 19 through col. 12, line 67), and

The display processor shows, when a plurality of coordinates are calculated by the coordinate calculating processor, a plurality of objects at positions respectively corresponding to the coordinates (col. 2, lines 40-41, col. 10, lines 2-5 and Figs. 4, 6 & 7) (Claim 5);

When a predetermined tallying condition is satisfied between a plurality of sets of evaluation values extracted by said extracting processor, said coordinate calculating processor tallies up the evaluation values belonging to the extracted sets of evaluation values satisfying said tallying condition to calculate a new set of evaluation values and thereafter calculates coordinates in accordance with the new set of evaluation values (col. 11, line 19 through col. 12, line 67) (Claim 6);

The multi-dimensional space in which said object is shown by said display processor, is a two-dimensional space defined by a rectangular coordinate system (Figs. 6 & 7) (Claim 7);

The respective evaluation values are roughly classified into those related to environmental stability of industry, market strength, competitive advantage of a business unit to be analyzed, and financial strength of the business unit to be analyzed (col. 18, lines 19-67), and

Said coordinate calculating processor calculates coordinate on a first axis constituting the rectangular coordinate system in accordance with evaluation values of evaluation factors related to said market strength and said competitive advantage of the business unit to be analyzed, and coordinate on a second axis constituting said rectangular coordinate system in accordance with evaluation values of evaluation factors related to said environmental stability of the industry and said financial strength of the business unit to be analyzed (col. 11, line 19 through col. 12, line 67) (Claim 8);

The respective evaluation values are roughly classified into those related to a process viewpoint, an organization and personnel viewpoint, a stockholder viewpoint, and a customer viewpoint (col. 2, lines 52-67), and

Said coordinate calculating processor calculates coordinates on a first axis constituting said rectangular coordinate system in accordance with evaluation values of evaluation factors related to said process viewpoint and said organization and personnel viewpoint, and coordinate on a second axis constituting said rectangular coordinate system in accordance with evaluation values of evaluation factors related to the stockholder viewpoint and the customer viewpoint (col. 11, line 19 through col. 12, line 67) (Claim 9); and

In the multi-dimensional database, the respective evaluation factors are classified, according to evaluation factor axis representing reference about types of respective evaluation factors, into a first group comprising those related to environmental stability of industry, market strength, competitive advantage of the business unit to be analyzed and financial strength of the business unit to be analyzed, and a second group comprising those related to the process viewpoint, the organization and personnel viewpoint, the stockholder viewpoint and the customer viewpoint (col. 2, lines 52-67), and

Said extracting processor selectively extracts only evaluation values of evaluation factors belonging to either one of the first group or the second group in accordance with an extracting condition as to the evaluation factor axis (col. 2, lines 21-41) (Claim 10).

The Summers reference discloses a computer-readable manufacture for storing data of evaluation values respectively set to a plurality of evaluation factors for every business unit to be analyzed, the manufacture comprising:

A computer-readable medium (col. 1, lines 26-28), and

A data structure stored on the medium for displaying a business environmental position of a business unit to be analyzed, wherein the data structure, when implemented on a computer (col. 2, lines 21-41, permits the computer to:

Extract a set of evaluation values related to the business unit to be analyzed in accordance with a predetermined extracting condition of an attribute of a set of evaluation values, said set of evaluation values further having different values on a first evaluation factor axis and having the same values on all other axes (col. 2, lines 21-41),

Calculate coordinates in a multi-dimensional space in accordance with the extracted set

of evaluation values (col. 2, lines 21-41), and

Output image data showing an object at a position corresponding to said calculated

coordinates in the multi-dimensional space on a screen (col. 2, lines 21-41) (Claim 11).

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. The Williams, Ulwick, Vivona, Ouimet, Bieganski, Dembo, Messmer, Keyes, Fox,

Maggioncalda, Marshall, Krist, Ferguson, Honarvar and Kumar patents are all directed to various

types of electronic decision making systems.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The

examiner can normally be reached on Mon.-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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